

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 6, 2003. Claims 50-53, 56-67, and 73-82 are cancelled without prejudice, waiver or disclaimer, claims 68 and 70-72 are amended, and claims 83-90 are added. Claims 54-55, 68-72, and 83-90 are currently pending in the present application. It is believed that the new claims do not add new matter to the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

A- Cancelled Claims

Claims 50-53, 56-67, and 73-82 are cancelled without prejudice, waiver, or disclaimer. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

B- Rejected Claims

Independent claim 54

Independent claim 54 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* in view of *Gordon et al.* Applicants traverse this rejection. The Office Action's arguments have been carefully considered. However, Applicants maintain that it would not be obvious for a person of ordinary skill in the art to make both modifications suggested by the Office Action: (1) using the auxiliary channels, and (2) allocating bandwidth responsive to the information.

Neither *Brown* nor *Gordon* disclose "wherein the plurality of auxiliary digital transmission channels enable random access functionality for programs transmitted via a plurality of other digital transmission channels." Therefore it would not have been obvious for a person of ordinary skill in the art to allocate bandwidth to the plurality of auxiliary digital transmission channels (not disclosed in *Brown* or *Gordon*) responsive to "receiving information identifying a first level of random access functionality selected by a first user for a first program that is to be provided to the first user at a future time."

Dependent claim 55

Dependent claim 55 is allowable for at least the reason that it includes all the feature/limitations of independent claim 54, which has been shown to be allowable.

Independent claim 68

Independent claim 68 was rejected under 35 U.S.C. 102(b) as being anticipated by *Brown*. Applicants have amended claim 68 to further distinguish the claimed invention. Applicants maintain that *Brown* does not teach, suggest, or disclose “responsive to receiving the request, providing the user with a first selectable option and a second selectable option.”

Dependent claim 69

Dependent claim 69 is allowable for at least the reason that it includes all the feature/limitations of independent claim 68, which has been shown to be allowable.

Independent claim 70

Independent claim 70 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Li et al.* Applicants have amended claim 70 to further distinguish the claimed invention. Applicants maintain that *Li* does not teach, suggest, or disclose “responsive to enabling the plurality of random access functions, communicating to the user an amount of bandwidth that has been consumed as a result of random access functionality that has been provided to the user.”

Dependent claims 71-72

Dependent claims 71-72 are allowable for at least the reason that they each include all the feature/limitations of independent claim 70, which has been shown to be allowable.

C-New Claims

Claims 83-90 have been newly added. It is believed that these claims (83-90) are adequately supported by the specification.

Independent claim 83

Independent claim 83 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “a bandwidth allocation manager configured to allocate bandwidth to a plurality of auxiliary digital transmission channels responsive to at least information received from a subscriber, wherein the plurality of auxiliary digital transmission channels enable random access functionality for programs transmitted via a plurality of other digital transmission channels.”

Dependent claims 84-85

Dependent claims 84-85 are allowable for at least the reason that they each include all the feature/limitations of independent claim 83, which has been shown to be allowable.

Independent claim 86

Independent claim 86 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “a processor that is programmed by the program code to: provide the user with a first selectable option and a second selectable option responsive to the DHCT receiving a request from a user for implementing a random access function.”

Dependent claim 87

Dependent claim 87 is allowable for at least the reason that it includes all the feature/limitations of independent claim 86, which has been shown to be allowable.

Independent claim 88

Independent claim 88 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “a processor that is programmed by the program code to: communicate to the user an amount of bandwidth that has been consumed as a result of random access functionality that has been provided to the user.”

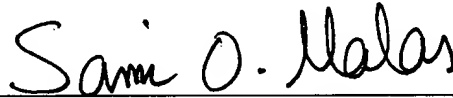
Dependent claims 89-90

Dependent claims 89-90 are allowable for at least the reason that they each include all the feature/limitations of independent claim 88, which has been shown to be allowable.

CONCLUSION

In light of the foregoing remarks and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending Claims 54-55, 68-72, and 83-90 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sami O. Malas". The signature is written in dark ink and is positioned above a horizontal line.

Sami O. Malas, Registration No. 44,893

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway
Suite 1750
Atlanta, GA 30339
Tel: (770) 933-9500
Fax: (770) 951-0933